

REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

1. Telephone Interview

Applicant conducted a telephone interview of this application with Examiners Urban and Le on January 29, 2004. Applicant was represented by Neilesh Patel and Lawrence Aaronson. During the telephone interview, Applicant made various remarks in support of the patentability of the claimed invention. The remarks made by the Applicant are set forth below in this response to the final Office Action. The Examiners indicated that Applicant's remarks assisted them in understanding the claimed invention and that they would reconsider the rejection of the pending claims.

2. Claims

Claims 1-24, 26-27 are pending in the application. Applicant has not cancelled or amended any claims in this response. Therefore, the pending claims are the same as those pending as of the response dated October 16, 2003.

3. Response to Claim Rejections

In the final Office Action, the Examiner rejected the pending claims for the same reasons set forth in the Office Action dated August 16, 2003. The Examiner rejected claims 1-4, 6-7, 15-16, and 24 under 35 U.S.C. § 102(e) as being anticipated by Kennedy et al. (U.S. Patent No. 6,377,825). Additionally, the Examiner rejected claims 8, 10, 13, 17, 19, 22, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy in view of Kravitz (U.S. Patent No. 6,035,217). Still additionally, the Examiner rejected claims 5, 9, 18, 11-12, and 20-21 as being

unpatentable over a combination of Kennedy and Kunihiro (U.S. Patent No. 5,915,288), Kennedy, Kravitz, and Kirbas (U.S. Patent No. 6,449,497), or Kennedy, Kravitz, and Maloney (U.S. Patent No. 6,453,169).

Of rejected claims 1-13, 15-22, 24, 26-27, claims 2-13, 15, 17-22, 24, and 26-27 depend on independent claims 1 or 16. Independent claims 1 and 16 distinctly claim processing performed by a control system coupled externally to a subscriber terminal.

The control system is arranged to have a controller and an actuator. When the actuator is actuated, the controller determines an action to be taken by the subscriber terminal. The action to be taken depends on a status of the subscriber terminal. If the status is a first status, then the controller determines a first action to be taken by the subscriber terminal and sends a first directive to the subscriber terminal indicating the first action to be taken. Alternatively, if the status is a second status, then the controller determines a second action to be taken by the subscriber terminal and sends a second directive to the subscriber terminal indicating the second action to be taken. As recited by the claims, the first status is different than the second status, the first action is different than the second action, and the first directive is different than the second directive.

In order for a reference to anticipate a claimed invention, the reference must teach each and every element of the claimed invention. (M.P.E.P. § 2131). Applicant submits that the rejection of independent claims 1 and 16 is improper because Kennedy fails to teach each and every element of independent claims 1 and 16.

Kennedy is directed to an interface module that receives a spoken command, determines that the status of the telephone is "on-hook" (in which case the interface module enters a voice recognition mode), and signals the telephone to dial a telephone number representative of the

spoken command. Applicant submits, however, that Kennedy does not disclose determining a first status or second status of the subscriber terminal, and sending a corresponding first or second directive to the subscriber terminal, as recited by independent claims 1 and 16. Kennedy discloses that the interface module determines a single status of the telephone, i.e., that the telephone is "on-hook", and sends to the telephone a single directive, i.e., to dial a telephone number. But if the status of the telephone is different, Kennedy does not disclose that the interface module would send another, different, directive to the subscriber terminal. Therefore, Kennedy does not disclose determining a first or second status of the subscriber terminal and sending a corresponding first or second directive to the subscriber terminal, as claimed by independent claims 1 and 16.

For at least this reason, Applicant submits that Kennedy does not anticipate the invention claimed by independent claims 1 and 16. As Kravitz, Maloney, and Kirbas do not make up for the deficiency in Kennedy, Applicant submits that claims 1 and 16 are allowable. As claims 2-13, 15, 17-22, 24, and 26-27 depend on allowable claims 1 and 16, Applicant further submits that claims 2-13, 15, 17-22, 24, and 26-27 are also allowable.

4. Comments on Examiner's Response to Arguments

In this final Office Action, the Examiner identified another reference, Griffith (U.S. Patent No. 6,128,514), as disclosing the claimed invention. Applicant is unsure whether the Examiner cited Griffith as another basis for rejecting the pending claims since the Examiner cites Griffith in the "Response to Arguments" section of the Office Action and not in the "Claim Rejection" section of the Office Action.

In any event, Applicant submits that Griffith does not disclose the presently claimed invention. Griffith does not disclose a control system that determines a first or second status of

the subscriber terminal and sends a corresponding first or second directive to the subscriber terminal.

In the presently claimed invention, the control system is coupled externally to the subscriber terminal. By coupling the control system externally to the subscriber terminal, the control system can provide simplified control for substantially any subscriber terminal. A user couples his or her subscriber terminal to the control system and actuates the actuator on the control system to cause the control system to send directives to the subscriber terminal. The directives may cause the subscriber terminal answer a call or hang up a call, depending on the status of the subscriber terminal. Therefore, the control system may allow a user to operate his or her subscriber terminal with simplified control without having to modify the subscriber terminal in any way.

In stark contrast, Griffith discloses a turbo dial button integrated into a telephone. The turbo button is a single button on the telephone. Pressing the turbo dial button causes a microprocessor on the telephone to perform different functions depending on the status of the telephone. For instance, pressing the turbo button may cause the telephone to answer a call or hang up a call depending on the status of the telephone.

Although Griffith discloses a turbo button, Griffith does not disclose an external control system that determines a status of the subscriber terminal and sends a directive to the subscriber terminal, as claimed. There is no need for Griffith to have such a control system because the telephone itself determines which functions to perform when the turbo button is pressed. No directives have to be sent to the telephone. On the other hand, the presently claimed invention allows an existing subscriber terminal to be coupled to the control system so that, when the

actuator is pressed, the control system can send a first or second directive to the subscriber terminal corresponding to a first or second status of the subscriber terminal.

In this regard, the presently claimed control system allows the existing subscriber to operate in a manner not otherwise possible. For a user to operate the existing subscriber terminal in accordance with Griffith, however, the existing subscriber terminal would have to be modified. The existing subscriber terminal would need a turbo button, and the subscriber terminal would need to determine which functions to perform when the turbo button is pressed. Therefore, Applicant submits that Griffith does not disclose the claimed invention, and claims 1-13, 15-22, 24, 26-27 are novel in view of Griffith.

5. Conclusion

In summary, Applicant respectfully submits that each of the pending claims is allowable. Favorable reconsideration and allowance is requested. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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Date: January 30, 2004

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